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# **U.S. Environmental Protection Agency Remote Work Policy**

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## **Remote Work Policy**

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# Remote Work Policy

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## I. PURPOSE

An effective remote work policy is central to the U.S. Environmental Protection Agency's commitment to being a model employer which prioritizes the health, safety, and physical and mental wellbeing of its workforce. A successful remote work policy can yield many benefits, such as increased productivity and performance, enhanced recruitment and retention of a geographically diverse workforce, heightened employee morale, improved emergency preparedness and reduced energy use. The Telework Enhancement Act of 2010 requires the head of each executive agency to establish a telework policy for eligible employees. This policy addresses remote work (i.e., full-time telework).

## II. SCOPE

Remote work is a non-temporary arrangement where an employee is not expected to report to the regular office or worksite on a regular and recurring basis (i.e., does not meet the telework requirement to report at least twice in a biweekly pay period). This policy covers U.S. Environmental Protection Agency employees, supervisors and managers in the competitive, excepted, and Senior Executive Service. This policy also covers Senior Level and Scientific and Professional employees, Public Health Service Officers, Schedule C, Administratively Determined employees and non-EPA employees serving on Intergovernmental Personnel Act assignments to the EPA. This policy does not cover employees of the Office of Inspector General or agency employees on details or IPAs to other agencies, departments or organizations.

Please refer to the agency's telework policy for guidance on regular, situational, medical telework and telework when used to accommodate employees with disabilities under the agency's reasonable accommodation process.

If provisions of this order conflict with the provisions of a collective bargaining agreement, the provisions of the applicable collective bargaining agreement must be applied.

## III. POLICY

The EPA is committed to advancing innovative workplace flexibilities, including remote work. The eligibility of employees to participate in remote work is based on the work of their position being fully portable and the employee eligibility requirements outlined in this policy. In some cases, the request for remote work will come from the employee; in others, the agency may post a remote position because it best serves the purposes and mission of the agency. Because remote work requires collaboration between management and employees, both parties have responsibilities in its successful implementation and operation. An employee's participation in any form of telework is voluntary. Remote workers will receive the same treatment and opportunities as non-teleworkers and

teleworkers (e.g., work assignments, awards and recognition, development opportunities, promotions, etc.) and are expected to perform and accomplish all assignments and tasks associated with their position.

#### IV. DEFINITIONS

**Telework** – Telework is work performed away from an office worksite at an approved location.

**Remote Work** – Also known as full-time telework, is work performed while teleworking within or outside the local commuting area of an agency worksite; under a remote work agreement an employee is not expected to report to the agency worksite on a regular and recurring basis.

**Remote Work Location (RWL)**– RWL is an approved work location other than the employee’s regular office or worksite. A RWL will generally be an employee’s residence or other approved worksite. A RWL may be within or outside of the local commuting area of the regular office or worksite.

**Local Commuting Area** – The geographic area constituting an area for employment purposes. It includes any population center (or two or more neighboring ones) and the surrounding localities in which people live and can reasonably be expected to travel back and forth daily to their official worksite.

**Portable Work** – Work normally performed at the employee’s official worksite, which can be performed at another location with equal effectiveness with respect to quality, quantity, timeliness, customer service, and other aspects of accomplishing the EPA’s mission.

**Official Worksite** – The official location of an employee’s position of record as determined under 5 CFR 531.605. Official worksite is also known as the “official duty station” as used in 5 United States Code, Section 5305(i).

**Position of Record** – An employee’s official position defined by grade, occupational series, employing agency, law enforcement officer status and any other condition determining coverage under a pay schedule (other than official worksite), as documented on the employee’s most recent Notification of Personnel Action (Standard Form 50 or equivalent) and current position description, excluding temporary details.

**Regular Office or Worksite** – The program office, region, or lab where the employee receives direction or returns if the supervisor or manager recalls the employee or terminates the remote work agreement.

**Domestic Employee Teleworking Overseas (DETO)** – An overseas remote work arrangement where an EPA employee temporarily performs the work requirements and duties of their domestic position from an approved overseas location via a DETO Agreement.

#### V. ROLES AND RESPONSIBILITIES

EPA Telework Managing Officer: The Assistant Administrator for the Office of Mission Support (or designated representative) shall serve as the TMO. The TMO serves as the primary telework point of contact between the agency and the Office of Personnel Management. The TMO is responsible for

overall policy development and implementation of the agency's remote work policy and programs and serves as an advisor for agency leadership on the full range of telework issues as well as a resource for managers and employees. The AA of OMS also provides review and concurrence on DETO requests.

Agency Telework Coordinator: The Office of Human Resources in the Office of Mission Support executes the duties of the agency telework coordinator, who is responsible for overseeing the agency telework program including remote work. The coordinator may periodically review telework and remote work approvals and disapprovals to ensure consistency of application, direct changes as necessary, and ensure any necessary training is provided as required.

Program/Regional Office Telework Coordinators: Those responsible for ensuring all participants are aware of their responsibilities, have taken appropriate training, and have agreements in place. Upon request, these telework coordinators are required to provide participation data including documented approvals and disapprovals as part of program monitoring.

Assistant Administrators, the Chief Financial Officer, the Chief of Staff to the Administrator, the General Counsel, and Regional Administrators or their equivalents or designated representatives: These executives are responsible for selecting program/regional office telework coordinators and may assign and locate telework coordinator duties anywhere in their respective organizations. If a manager does not designate a telework program coordinator, they must ensure the telework program coordinator's responsibilities are appropriately delegated to and performed by one person who will serve as a point of contact for the agency's telework coordinator. The AA/RA (or designated representative) is responsible for approving remote work or DETO agreements.

Human Resources Shared Service Centers (SSCs): HR SSCs are responsible for ensuring all position descriptions are checked for telework eligibility prior to initiating recruitment and reassignment actions and are noted in job advertisements. The HR SSCs must also document an employee's official worksite via Notification of Personnel Action (Standard Form 50) as required by this policy and 5 CFR 531 subpart F.

Supervisors and Managers: Supervisors and managers are responsible for the overall management of telework, including remote work within their work units, including:

- Working with their regional human resources officer, program management officer and HR SSC to identify positions eligible for telework and ensuring such designations are identified on position descriptions and in job announcements;
- Taking into account work-related needs, recommending approval or disapproval of new or revised remote work requests and forwarding for senior management approval, and in cases of disapproval, providing the rationale to the employee, if requested;
- Reviewing and recertifying employee remote work agreements every 12 months (or earlier if a particular organization's annual recertification time period is sooner, so all employees can be recertified at the same time) or as business needs dictate;
- Overseeing day-to-day remote work operations, modifying individual remote work agreements to meet mission needs, accomplish workload, or changing circumstances, and maintaining records and information necessary for evaluation of the program;
- Ensuring remote workers comply with all existing security policies and procedures, including IT security, personally identifiable information and confidential business information;
- Ensuring proper use of appropriate time reporting codes to document hours worked;
- Monitoring performance by ensuring appropriate management controls and reporting

procedures are in place before employees begin remote work assignments. Remote workers and non-remote workers are treated identically for the purposes of monitoring and assessing job performance; however, supervisors and managers may need to use different mechanisms for communicating with remote work employees; and

- Initiating a personnel action to change an employee's official worksite as required by this policy and 5 CFR 531 subpart F.

Employees: Employees are responsible for the following:

- Completing a remote work agreement and receiving concurrence from their supervisor and approval from the AA/RA (or designee) prior to assuming a remote work schedule;
- Performing an assessment of the RWL and answering the required questions on the Self-Certification Safety Checklist;
- Adhering to the remote work policy, procedures, terms and conditions of the approved remote work agreement;
- Complying with EPA policies for information technology security and use of government equipment and materials;
- Notifying their supervisor if modifications are potentially necessary to their remote work agreement;
- Working with their supervisor to recertify the remote work agreement every 12 months or earlier if requested;
- Being available during scheduled work hours by telephone, email, and other applicable agency-approved technology and communication methods (e.g., Teams) in order to communicate with their supervisor to receive assignments and complete their work in accordance with the supervisor's instructions and be accessible to co-workers and customers;
- Maintaining communication with the supervisor while performing remote work and working with the supervisor to overcome problems or obstacles as they occur so the work of the organization is accomplished in an effective and timely manner;
- Complying with all existing agency security policies and procedures, including those relating to personally identifiable information and confidential business information; and
- Arranging for dependent care, if these care responsibilities would otherwise interrupt or interfere with the employee's work duties during the tour of duty. Requesting leave or work schedule adjustments for periods when the employee is not able to work due to dependent care.

## **VI. TYPES OF REMOTE WORK**

The following types of remote work may be authorized based on organizational or employee needs:

Remote Work: The employee works remotely full-time and is not expected to report to the regular office or worksite on a regular and recurring basis. A RWL may be approved for within or outside the local commuting area, and is limited to the states, commonwealths, territories, and possessions of the United States (see 5 CFR 591.205 for a list of non-foreign areas).

DETO: This is a rare type of remote work arrangement where an employee performs their domestic duties from a RWL overseas. These arrangements require senior management and

State Department approval. DETOs are generally reserved for military spouses.

EPA Continuity of Operations Plan (COOP): Employees may work from RWLs during emergencies such as a natural disaster, a terrorist attack, disruption to facilities or a pandemic health crisis. If COOP is activated, any employee—with or without a telework agreement—may be required to telework. During any period the EPA is operating under a COOP, the COOP shall supersede this policy.

## **VII. PORTABLE WORK**

Work Suitable for Remote Work: Portable work can be performed at another location with equal effectiveness with respect to quality, quantity, timeliness, customer service, and other aspects of accomplishing the EPA's mission. Work suitable for remote work depends on job content, rather than job series or title, type of appointment, or work schedule. It is possible within identical or related occupational series, one position or portion thereof may be determined to be eligible for telework, and another may not, depending on individual job requirements.

Duties Not Suitable for Remote Work: Includes functions and tasks not suitable to be performed away from the regular office or worksite. Examples include, but are not limited to, duties:

- Requiring face-to-face contact with the supervisor, colleagues, clients or the general public in order to perform the job effectively, and cannot otherwise be achieved by email, telephone, video calls, collaboration technology, or other electronic means;
- Accessing classified information or a classified installation;
- Involving the construction, installation, maintenance or repair of EPA facilities;
- Involving the physical protection of EPA facilities or employees; or
- Involving other physical presence/site-dependent activity (e.g., emissions testing, site inspections, or work required to be performed in a laboratory).

## **VIII. EMPLOYEE ELIGIBILITY REQUIREMENTS**

Basic Eligibility Requirements: An EPA employee may not be authorized for remote work if they do not meet basic telework eligibility. The basic requirements for telework are:

- The employee has sufficient portable work for the amount of telework requested;
- The arrangement does not create any impediment to the effective accomplishment of the organization's work;
- The employee agrees to return to the office worksite if required to do so by their supervisor;
- The employee continues to comply with the terms of their written and approved agreement; and
- Arrangements are in place for dependent care, if providing care would otherwise interrupt or interfere with the employee's work duties during the time the employee is working at the RWL.

Eligibility for Remote Work: In addition to meeting the basic eligibility requirements for all teleworkers, employees seeking approval for remote work must meet other criteria. As with all telework, management reserves the right to determine if authorizing an employee to perform remote work is appropriate. The approving official (the AA or RA or their designee) can terminate remote work at any time.

Approval for remote work may only be authorized when all of the following criteria are met:

- 100% of the employee's work is portable and there is no expectation for the employee to regularly report to the office worksite each pay period;
- Authorization for remote work will not unduly shift functions or responsibilities to other employees or require reassignment of current work or tasks to other staff (e.g., field work, inspections, mail, or hard copy scanning, addressing facilities issues);
- There is no adverse impact on other offices or programs;
- Tasks or work assignments can be performed at least equally effectively at the RWL;
- Employee's work does not require access to in office resources;
- There will be no foreseen disruption to customer service with any agency customers or stakeholders (e.g., public, states, industry);
- The employee does not have duties or work assignments requiring face-to-face customer service or coworker interface; and
- The employee has a demonstrated track record of meeting performance plan objectives and working without close supervision.

Employees may not be approved for remote work if:

- The employee has been officially disciplined for being absent without permission for more than five days in any calendar year; or
- The employee has been officially disciplined for viewing, downloading, or exchanging pornography, including child pornography, on a federal government computer or while performing official federal government duties.

Additionally, the supervisor or management official may terminate the employee's remote work arrangement in order to meet the organization or unit's specific operating needs. The supervisor or management official should consult and receive guidance from the servicing labor and employee relations office before terminating the employee's remote work arrangement when there are documented misconduct or performance issues, or the employee fails to comply with the provisions in this policy.

(1) For terminations resulting from misconduct or performance issues or for the employee's failure to comply with the provisions of this policy, employees may reapply at a later date at the supervisor or management official's discretion.

(2) For terminations resulting from organizational or operating needs, the employee may reapply if or when any such issues are resolved.

Remote Work for New Employees: The approval of remote work for new employees is at management's discretion. The basic telework and remote work eligibility criteria must be met, required training and forms completed and appropriate senior management approvals obtained prior to the commencement of remote work. At a minimum, management should consider the employee's:

- Previous federal service, if any;
- Length and nature of previous work experience; and



- Any previous experience teleworking.

## **IX. AUTHORIZING REMOTE WORK**

The supervisor must initiate and the program's AA/RA (or designee) must approve the remote work request based on a determination the employee meets all required criteria and the pros and cons of the remote work arrangement have been properly considered.

For all remote work, the official worksite is the RWL. At least 30 calendar days prior to the effective date, supervisors or managers must prepare and submit to the appropriate servicing HR SSC the required personnel documentation (i.e., Request for Personnel Action, Standard Form 52) to change an employee's official worksite to their RWL. The SF-52 must include a copy of the employee's approved remote work agreement and the following information:

- **Employee Information**
  - The full name, series, grade and title of the employee.
  - A copy of the employee's current position description.
- **Position Information**
  - The position's current official duty station.
  - The position's proposed official duty station.

If the request is not approved, the AA/RA (or designee) will respond in writing with the reason the request was denied.

Remote Work Outside the Local Commuting Area: Any request by an employee for remote work outside the LCA is voluntary on the part of the employee. If approved, the relocation is for the convenience and benefit of the employee and the agency will neither pay for nor reimburse any relocation costs incurred by the employee. However, if the supervisor or manager recalls an employee on approved remote work to the office, then the employee is entitled to reimbursement of travel related expenses according to travel policy.

If an employee wants to perform remote work outside of the LCA the employee must meet all requirements for remote work and must receive a written recommendation for doing so, in advance, from their supervisor or manager. The written recommendation must clearly explain how the employee is fully able to perform all of their duties effectively from the remote location, so approval of the request will not, under any circumstances, diminish the agency's ability to accomplish its mission and meet its operational goals.

When assessing remote work requests outside the LCA, the supervisor or manager must document and consider the following:

- 1) The employee's current and likely future duties;
- 2) Whether or not the employee is likely to retain remote work eligibility in the future;
- 3) The costs associated with any necessary recall and whether such recall would be cost prohibitive. The cost analysis shall include the following as applicable:

- Salary costs (regular worksite salary vs. proposed RWL duty station salary).
  - The number and travel cost of:
    - Round trip transportation to the regular work site (in accordance with Federal Travel Regulations).
    - Meals and incidental expenses per day.
    - Hotel cost per night.
    - Miscellaneous trip expenses.
  - Annual planned costs to travel to the agency worksite.
  - Travel costs saved by proposed RWL duty station (based on proximity to customers, etc.).
  - Transit subsidy costs at the regular work site and transit subsidy costs at the proposed RWL duty station.
- 4) The degree the employee's work is tied to a specific geographic location or if the proposed RWL will better serve the employee's work assignments (e.g., an On Scene Coordinator with a RWL in a specific location may decrease response times to a location with documented high emergency response needs);
- 5) The employee's work assignments are independent and require minimal face-to-face collaboration or review.

Management-Initiated Remote Work: A program or region may have a mission need for a position or employee to remote work from a specific location (e.g., to be closer to inspection sites). Thus, such arrangements are not solely for the convenience or at the request of the employee. Generally, management-initiated remote work arrangements are allowed provided eligibility, approval and other documentation requirements are met. Please note, telework is voluntary except in the case of COOP or evacuation (5 CFR 550 Subpart D). Management needs to consider the voluntary nature of telework before implementing a management-initiated telework arrangement with an already encumbered position. Remember, remote workers are not expected to report to the regular office or worksite on a regular or recurring basis and the RWL will usually be the employee's residence. If the program or region wants to establish a worksite at another EPA location or federal, state, local or Tribal government office, and the employee will report to the other location on a regular and recurring basis, please refer to [HR Bulletin 20-003B](#), *Worksites Away from the Position of Record*.

Designating Positions for Remote Work: For recruitment and retention purposes, program or regional management may designate certain positions as a remote position or remote work eligible in vacancy announcements if eligibility criteria are met and senior management approval is obtained prior to posting. The program or region should carefully analyze and document in writing the need, costs, consequences and benefit to the agency's mission or goals for allowing remote work. The written documentation justifying the designation will be kept in the case file for the action. As noted previously, telework is voluntary. However, if the agency advertises the position as a "remote position" as a condition of accepting the position the employee will need to complete the remote work agreement to work remotely. Or, the agency may advertise the position as "remote work eligible" so whoever is selected may choose to work remotely or at the regular office or worksite. Required remote work forms and trainings must be completed prior to the commencement of remote work.

## **X. PREPARING FOR THE REMOTE WORK ARRANGEMENT**

EPA Eligible Employees: All eligible agency employees wishing to remote work must meet the following conditions. Failure to comply with any one of the conditions listed below may result in the denial or termination of a remote work arrangement:

- Complete the required employee remote work training prior to applying for remote work;
- Submit the “*EPA Remote Work Application/Agreement*” and the “*Employee Self-Certification Safety Checklist*” to their supervisor for approval;
- Ensure all necessary dependent care arrangements are maintained and do not interfere with the employee’s work performance while working at the RWL;
- Have properly working equipment at the RWL to ensure compliance with the EPA’s information technology policies and procedures;
- Comply with established pay and administration policies on work schedules;
- Comply with remote work time reporting code requirements;
- Comply with established policies for requesting leave;
- Ensure working from the RWL causes no disruption in the efficiency of work, and the employee is available to customers, co-workers and supervisors or managers. All communication must be seamless;
- The remote work employee must use call forwarding technology;
- Maintain organizational requirements regarding communication and accessibility and respond in a timely manner to their team leaders, supervisors or managers, co-workers, agency customers and the public;
- Be capable and available to join virtual meetings or conference calls while working at the RWL;
- Safeguard any agency equipment and use it only for official purposes in accordance with established policies;
- Be willing to travel to the regular office or worksite if requested by their supervisor; and
- Participate in the annual recertification process as required by this policy and in any other telework and remote work program monitoring or evaluation processes required by the agency or other authoritative entities (e.g., OPM, Government Accountability Office, Congress).

Each new remote work agreement will be reviewed on an individual basis. Decisions will be made based on eligibility criteria outlined in this policy and in applicable bargaining unit agreements. The process for application and re-certification will also follow those processes outlined in this policy and in applicable collective bargaining agreements.

## **XI. DEPENDENT CARE**

Dependent Care: Remote work may be used as a flexibility to help employees with dependent care responsibilities to meet their family obligations and work responsibilities. However, it is not appropriate to use remote work if the employee is unable to work due to dependent care responsibilities. If dependent care would otherwise interrupt or interfere with the employee’s work duties during the time the employee is working at a RWL, they must make alternative arrangements for dependent care. The employee must request leave or work schedule adjustments,

as appropriate, for periods when the employee is not able to work due to dependent care responsibilities. If appropriate and an option, employees may also consider requesting a maxiflex work schedule to provide additional assistance with meeting their biweekly work requirement. Maxiflex is a separate policy from remote work; employees should consult the agency's work schedules policy or applicable CBAs for more information.

**Example 1:** An employee has children in the home due to a school closure. Other than general oversight and occasional brief breaks to tend to family matters, the employee is able to complete work assignments during the daily tour of duty. Leave or work schedule adjustments are not necessary.

**Example 2:** An employee has children in the home due to a school closure. One child needs more than minimal assistance with a school assignment during the employee's tour of duty. The employee will need to request leave or adjust their work schedule for the time they were unable to work.

**Example 3:** An employee's older relative refuses to take medicine unless the employee is present. The employee is able to administer the medication and then resume work. Leave or work schedule adjustments are not necessary.

## **XII. REMOTE WORK TRAINING**

Training sessions on remote work will ensure a common understanding of its requirements. Participating employees must complete the agency-approved training and obtain a certificate of training before participation. Supervisors or managers must also complete agency-approved remote work training and obtain a certificate of training. Refresher training may be required on occasion by the agency.

## **XIII. ESTABLISHING THE REMOTE WORK AGREEMENT**

The remote work agreement covers the terms and conditions of the remote work arrangement. It also constitutes an agreement by the employee to adhere to applicable guidelines and policies. The remote work agreement includes items such as the duration of the remote work agreement; hours and days of duty at the RWL; responsibilities for timekeeping, leave approval and requests for overtime and compensatory time; performance requirements; and proper use and safeguards of government property and records. When any aspect of the work agreement changes (e.g., position, work assignment, supervisor or manager, RWL, etc.), the employee and supervisor or manager will reassess the employee's work to determine remote work suitability and continued approval.

Individual remote work agreements must be renewed every 12 months. Employees who are designated essential for emergencies or are emergency response employees for COOP purposes, should have signed agreements in place to facilitate continuity of operations in the event of emergencies.

The supervisor or manager must retain a copy of the signed remote work agreement and a copy must be provided to the employee. A copy of the signed remote work agreement must also be provided to the program or regional office telework coordinator who is responsible for maintaining telework and

remote work records in the organization.

The following actions are to be taken when establishing a remote telework agreement:

- The employee and supervisor discuss the proposed remote work agreement and the type of work to be completed by the employee at the remote work location.
- The supervisor conducts a full analysis of the employee's work for portability, impact on operations, and potential cost implications for the agency.
- The employee completes the remote work agreement, safety checklist and the required training.
- The supervisor signs and forwards the remote work package and a detailed justification addressing costs and other considerations to the regional or program senior management remote work point of contact.
- The senior remote work point of contact will review the package for sufficiency and impact and will consult the Remote Work Advisory Board.
- The Remote Work Advisory Board will provide guidance on precedent, impact, and other matters related to the agency's management and administration of remote work. The intent is to ensure fair, equitable and consistent implementation across the agency and to ensure one office's decision does not adversely impact another.
- If the request package is sufficient and does not impact the agency's mission, the package is forwarded to the regional or assistant administrator (or designee, usually the deputy) for final approval.
- Once the request package is approved, the supervisor must submit a personnel action to the servicing SSC to change the employee's official worksite to the remote work location.

#### **XIV. TIME, ATTENDANCE AND OTHER MISCELLANEOUS ISSUES**

Recording Telework Hours and Control of Time and Attendance: Proper recording, monitoring and certification of employee work time are critical to the success of the program. Employees are responsible for recording all telework time into the time and attendance system using the appropriate telework time reporting codes.

Remote Work Time Reporting Codes: The time reporting codes all remote work employees must use to document and certify their work hours are as follows:

- **TOHRW:** Telework Overtime Hours;
- **TWRAC:** Telework for Reasonable Accommodation;
- **TWFUL:** Telework – Full-time;
- **TWCTU:** Telework Comp Time Used; and
- **TWCTE:** Telework Comp Time Earned.

Hours of Duty and Work Schedules: Teleworking employees will work the same schedule they work at the regular office or worksite, including compressed or flexible schedules. Circumstances may warrant work schedules to be changed with the supervisor's approval and in accordance with established procedures. Employees should refer to the agency's work schedules policy or applicable CBA for more information.

Overtime during Telework - Eligibility Requirements: Advanced approval of overtime work is required; overtime work not ordered and approved in advance by the supervisor, in writing, will not be compensated. Detailed information on overtime can be found in the *EPA Pay Administration Manual* (EPA Order 3155). Employees may *not* perform unauthorized overtime work while teleworking (i.e., overtime not ordered and approved by the supervisor in advance and in writing).

Leave: Procedures for requesting leave are the same for employees participating in remote work and employees working at the regular office or worksite. Employees are responsible for obtaining leave approval in advance and reporting leave usage appropriately on their timecards. See the *EPA Leave Manual* (EPA Order 3165) for details.

Remote workers may use leave for a portion of the workday and work from the RWL for the remainder of the workday.

Workers' Compensation: Teleworking employees are covered by the Federal Employees Compensation Act and qualify for continuation of pay for workers' compensation for injuries sustained while performing their official duties. For this reason, it is vital for a specific RWL to be approved in advance and adhered to by the employee.

The supervisor's signature on the request for compensation attests only to what the supervisor can reasonably know, specifically whether the event occurred at the regular office or worksite or at a RWL during official duty. Typically, supervisors are not present when an employee sustains an injury. Employees, in all situations, bear responsibility for informing their immediate supervisor of an injury at the earliest time possible, seeking appropriate medical attention and filing the appropriate workers' compensation claim form.

Remote work arrangements can result in employees who are currently receiving continuation of pay or worker's compensation returning to work and therefore taking them off the workers' compensation rolls. Supervisors may be able to find work such employees are able to perform at home or restructure existing work so some of it may be completed at a remote work site.

Requirement to Return to the Regular Office or Worksite: Employees participating in the telework program, including remote work, must be accessible and available for recall to their regular office or worksite for a variety of reasons such as, but not limited to, special assignments, training, travel, emergencies or other situations deemed necessary by the supervisor or manager to meet mission, staffing, and workload requirements. Under these circumstances, the following should occur:

- A supervisor or manager may recall an employee to the regular office or worksite with at least 24 hours' notice. A supervisor may recall an employee to the regular office or worksite with fewer than 24 hours' notice when recall is essential for the agency to meet its mission and the employee is not prevented from commuting to the regular office or worksite.

As noted earlier, it is very important for supervisors to consider the cost of travel. Remote work is not an entitlement. If the potential for frequent or recurring recall is high, remote work outside the LCA may not be feasible.

Relocation: When employee-requested remote work is approved, the agency will not pay relocation costs for the employee to move to the RWL. If the telework agreement is terminated, the employee is responsible for all costs associated with returning to the regular office or worksite. If the remote work is agency directed, the region or program may be required to pay relocation costs to move the employee to the RWL or return to the regular office or worksite if the remote work is terminated. Supervisors considering remote work arrangements should discuss potential relocation costs with the Federal Employee Relocation Center, Office of the Chief Financial Officer.

Travel: The travel provisions applying to employees working at the official worksite also apply to employees who telework. In addition, when remote work employees are recalled to the regular office or worksite, they are entitled to travel expenses.

Prohibited Uses of Remote Work: Supervisors, managers and approving officials are prohibited from authorizing remote work for employees seeking to engage in activities solely of a personal, non-work-related nature otherwise accommodated through other appropriate processes. Examples include, but are not limited to:

- Substituting remote work for dependent care (i.e., if dependent care would otherwise interrupt or interfere with the employee's work duties during the tour of duty, see section VI of this policy for guidance);
- Allowing an employee to remote work in lieu of leave; and
- Accommodating an employee's personal requests legitimately resolved by other appropriate means (e.g., sick leave, annual leave, leave without pay, donated leave, advanced leave, accrued compensatory time, change in work schedule, reassignment, etc.).

Monitoring Performance: GAO guidelines require agencies to establish a method providing the supervisor or manager with reasonable assurance employees are working when scheduled. Appropriate management controls and reporting procedures must be in place before employees begin remote work assignments. Teleworkers (including remote workers) and non-teleworkers should be treated identically for the purposes of monitoring and assessing job performance. Some approved techniques, with applicability to remote work arrangements, include:

- Supervisory telephone calls or email messages to an employee during times the employee is scheduled to be on duty;
- Visits by the supervisor or manager to the employee's RWL; and
- Use of performance management systems, including regular workload/accomplishments reports for teleworking and non-teleworking employees, to determine reasonableness of work output for time spent, project schedules, key milestones, quality of the work performed, and team reviews.

## **XV. EMERGENCIES: DISMISSALS/CLOSURES**

Closures: In the event of a regular office or worksite closure, remote workers are required to work from their RWL. Employees required to work during their regular tour of duty on a day when federal offices are closed to the public (or during delayed arrivals or early dismissals) are not entitled to overtime pay, credit hours, or compensatory time off for performing work during their regularly scheduled hours.

Late Arrivals or Early Dismissals at the Regular Office or Worksite: When the agency announces early closure or late arrival at the regular office or worksite, remote workers are required to work their regularly scheduled non-overtime hours. Early release for holidays should be granted to remote workers to the same extent as granted to employees working at the regular office or worksite.

Other Emergencies or Disruptions to the Regular Office or Worksite: In the event of a disruption to normal office operations (e.g., national or local emergency, emergency event involving inclement weather, or any situation with a potential disruption to normal office operations), remote workers will continue to work their normal hours unless directed otherwise by the supervisor or management or employees are unable to do so due to the emergency (e.g., a hurricane results in an electricity outage at the remote workers RWL).

General Provisions: Remote workers prevented from working due to the emergency may be granted weather and safety leave or administrative leave based on the circumstances of the emergency (e.g., loss of electricity, employee must evacuate, infrastructure or connectivity issues). Please refer to applicable guidance issued by the Office of the Chief Financial Officer and OMS.

## **XVI. MODIFICATION AND TERMINATION OF THE REMOTE WORK AGREEMENT**

Remote work agreements may be modified, adjusted or terminated at any time by management based upon an employee's failure to adhere to telework requirements or based upon any other consideration affecting employee eligibility. Remote work agreements may also be modified, adjusted or terminated at any time when requested by the employee and approved by the appropriate management official. All changes must be documented in writing. Before removing an employee from remote work for performance or conduct issues, supervisors should consult their servicing labor and employee relations office for guidance.

For remote workers within the LCA, supervisors shall provide sufficient notice (typically seven calendar days), when feasible, before modifying or terminating a remote work agreement to allow the affected employee to make necessary arrangements. After the seven-day notice, the employee will typically have up to ten calendar days to report to the regular office or worksite. For remote workers outside the LCA, the supervisor shall typically provide a minimum of 30 calendar day notice, when feasible, before modifying or terminating a remote work agreement to allow the affected employee to make necessary arrangements. After the 30-day notice, the employee will typically have up to 45 calendar days to report to the regular office or worksite. Also, locality pay will be governed by the new duty station. The reason for discontinuing remote work will be documented, signed by the supervisor or approving official, and furnished to the affected employee. Consent or acknowledgement via signature by the affected employee is not required for the termination of remote work to take effect.

When any significant aspect of an employee's work changes (e.g., position, work assigned, RWL), the supervisor will reassess the portability and suitability of employee's work for continued remote work approval.

## **XVII. DETO**



General Provisions: A DETO is a type of remote work arrangement allowing an agency employee to telework from an overseas location on a temporary basis. The agency may not approve permanent DETO arrangements (i.e., overseas remote work without a not-to-exceed date). The employee's overseas residence will generally be the RWL. The employee is expected to return to the regular office or worksite when the DETO arrangement ends. These types of arrangements are rare and additional criteria beyond normal remote work requirements must be met. Also, the arrangement must be cleared through the State Department. The Chief of Mission, State Department, has authority over Executive branch employees working overseas.

A DETO is not an entitlement. The program or regional office requesting a DETO may not take any personnel actions violating merit system principles in order to provide an advantage to an employee requesting a DETO (e.g., reassigning an employee into a position with more promotion potential because the duties of the successor position are fully portable). Every required form, approval and clearance required by EPA and the State Department must be completed before a DETO arrangement can begin. Approval from the COM at the relevant U.S. Embassy is required before any DETO arrangement can begin. An employee cannot begin teleworking from a foreign country while awaiting COM approval.

General Criteria: A program or regional office may consider requesting a DETO arrangement when an EPA employee's spouse or domestic partner is required to temporarily report to an overseas location by order of the U.S. government (civil service or military). This is known as a "sponsored" DETO arrangement. The EPA employee must be on the government orders of the spouse or domestic partner assigned overseas. Other types of DETO arrangements known as "independent" arrangements (i.e., an employee is not on government orders of a spouse or domestic partner) may not be approved. For example, temporarily relocating to another country to take care of an elderly relative.

Eligibility: A DETO may be approved for non-probationary/non-trial period, permanent full-time or part-time agency employees who have worked at EPA for at least one year. The employee's work must be fully portable and meet the remote work criteria in this policy.

The following positions are not eligible for DETO arrangements:

- Supervisory;
- Managerial;
- Senior Executive Service;
- Senior Level (SL) or Scientific/Professional (ST);
- Access to or handling of classified materials is required;
- Positions ineligible for telework as noted in this policy; and
- If the duties of the position require reporting on or performing a substantive role in the policy or administrative issues pertaining to the location of the foreign RWL.

Authorizing a DETO: The program or regional office is responsible for securing all necessary approvals within EPA and the State Department.

1. The employee must request a DETO arrangement with their supervisor or manager. If the supervisor or manager concurs, the employee must complete a remote work agreement for

- the DETO arrangement.
2. DETO arrangements can be costly, and the approving region or program is responsible for these costs. The supervisor or manager of the employee requesting a DETO arrangement should consult the Office of International and Tribal Affairs as soon as practicable in the DETO process to better understand State Department procedures and potential costs.
  3. The supervisor or manager must develop a justification including the following information:
    - a. The reason for the DETO.
    - b. How the DETO arrangement meets the general remote work and DETO criteria in this policy (including outside the LCA criteria).
    - c. Cost considerations for travel, recall, U.S. Embassy fees, etc.
    - d. How the supervisor or manager plans to effectively monitor the employee while the employee is overseas and in a different time zone.
    - e. The benefit to the agency for allowing a DETO arrangement.
    - f. Supporting documentation (i.e., orders from the federal organization related to the spouse/domestic partner's move overseas).
  4. The DETO agreement and justification must be approved by the employee's DAA or DRA (or designee) and the AA of OMS.
    - a. The AA of OMS will consult the Administrator's Office (including Office of Homeland Security), Security Management Division, and the Chief Information Officer about security or other concerns related to the DETO.
  5. Once the EPA remote work agreement has been approved, the program or regional office must secure clearance through the State Department. The supervisor or manager will work with OITA to complete this process.
    - a. For overseas arrangements of less than one year, approval must be obtained through the e-Country Clearance process (<https://myservices.servicenowservices.com/ecc>).
    - b. For overseas arrangements longer than one year (including extensions of arrangements previously approved through Country Clearance), the National Security Decision Directive 38 process must be followed (<https://nsdd38.state.gov/>).
  6. The employee must also meet any overseas training requirements and have proper documentation such as passports, visas, and a work permit to perform work for the federal government overseas.
  7. Once approvals from EPA and the State Department have been obtained, the documentation verifying approval and a SF-52 should be sent to the servicing HR SSC to change the employee's duty station when they arrive overseas. The HR SSC will not effect any change in duty station without a complete approval package.
    - a. The employee is responsible for notifying the supervisor of arrival at the overseas location so the personnel action can be effected timely.
    - b. The employee must complete the safety checklist for their overseas RWL and return it to their supervisor or local telework coordinator within two pay periods of the employee starting the DETO.

Conditions of a DETO: The employee is treated like a domestic employee with respect to position duties and responsibilities related to work assignments, time and attendance and performance. The employee is expected to attend meetings, communicate with management and customers, and otherwise fulfill the duties of their position. The employee may not perform work at any other location than the approved RWL cited in the remote work agreement.

Pay and Leave:

- The base rate for the General Schedule (GS) pay scale will be used; locality pay is not applicable.
- EPA's standard policies and guidance regarding time and attendance apply. Employees must regularly communicate with their supervisor or timekeeper each pay period to ensure time and attendance is accurate.
- Overtime must be ordered and approved in writing and in advance.
- Employees are subject to the overtime and premium pay entitlements applicable to their positions (i.e., based on the position's designation as Fair Labor Standards Act exempt or non-exempt).
- Employees are only entitled to U.S. holidays and are expected to work during regular duty hours or use other paid leave (annual leave, credit hours, etc.) for local holidays of the overseas location. They are not entitled to premium pay or compensatory time when working on a local holiday.
- Employees are required to work during regular duty hours or use other paid leave if the domestic regular office or worksite has a closure (e.g., emergency, weather, etc.).
- Employees may be eligible for workers' compensation benefits for disability or death resulting from injury sustained in the performance of duty when qualifying criteria are met under the Federal Employees' Compensation Act.

#### Training and Travel:

- Employees traveling on official business away from the duty station reflected on their SF-50 as part of the DETO position's duties are eligible for temporary duty travel. TDY travel should be minimized, and alternate technology used instead, to the extent practicable. Travel expenses (e.g., per diem) must be documented in an official travel authorization.
- Distance learning options generally should be used as the first option to meet training needs.

#### Termination of a DETO:

- The duration of a DETO arrangement may not exceed the initial overseas assignment duration of the spouse or domestic partner's orders.
- Additional time may be requested by presenting an amended remote work agreement (following the same approval requirements as the original) and seeking permission from the State Department through the NSDD 38 approval process.
- The supervisor may cancel or amend the DETO by providing written justification based on the needs of the office, misconduct or unacceptable performance at any time with prior notification of at least 30 calendar days.
- The employee may cancel the DETO agreement at any time with prior notification of at least 30 calendar days.
- An employee may request an adjustment of the DETO agreement by providing a written justification to the supervisor or manager for consideration and approval.
- Nothing in this policy impacts the State Department's authority to determine who may telework overseas.
- The outside the LCA termination and modification procedures in section XV apply.
- Upon termination of a DETO arrangement, the employee is generally expected to return to the domestic regular office or worksite. However, options to accommodate the employee's circumstances may be considered (e.g., extended leave, including leave without pay or resignation). The supervisor or manager should consult their regional human resources officer or program management officer for guidance on next steps.

- The supervisor or manager is responsible for submitting a SF-52 to the servicing HR SSC to change the employee's duty station once a DETO arrangement ends.

## **XVIII. REPORTING**

When OPM and other federal organizations seek telework reports, the agency's TMO and agency telework coordinator will serve as the primary liaisons between EPA, OPM and other federal organizations. EPA's telework coordinator will serve as the agency's central coordinating point and will work with telework coordinators across the agency to prepare comprehensive telework information.

## **XIX. FACILITIES AND EQUIPMENT**

Alternative Work Location Office Space: Requirements will vary depending on the nature of the work and the equipment needed to perform the work. At a minimum, employees should have adequate internet speed and be able to easily access the intranet, agency systems, communicate by telephone, email and established collaboration tools (currently Microsoft O365 suite) with the supervisor, coworkers and serviced clients when working from their RWL. In addition, employees are responsible for verifying and ensuring their work areas comply with health and safety requirements (see the *"Employee Self-Certification Safety Checklist"*). Home office areas must be clean and free of obstructions, in compliance with all building codes, and free of hazardous materials. An employee's request to telework may be disapproved or rescinded based on safety problems or the presence of hazardous materials. A supervisor or designated safety official may inspect the home office or other RWL for compliance with health and safety requirements when deemed appropriate.

Regular Office or Worksite Space Sharing: The organizational unit where an employee is assigned may implement space-saving initiatives in regard to employees who have approved telework or remote work agreements. Such space-saving options may include shared workstations, smaller workstations or unassigned touchdown/hoteling situations. If management seeks to implement any such space-saving initiatives, they will notify the unions and meet bargaining obligations as required by CBAs, local agreements, applicable law, rule and regulation.

Government-Furnished Equipment: The agency is under no obligation to provide GFE to its employees solely for the purpose of remote work; however, most employees will receive a government-issued laptop. Supervisors may authorize additional GFE items and services for the individual remote worker where legally permissible, as necessary to meet mission needs, and if budget permits.

Employees who have an agency-issued laptop or mobile phone assigned to them should use such equipment while performing remote work and shall take reasonable safeguards against theft and damage. Government issued mobile phones may be monitored to ensure they are being used in connection with agency business. All agency-issued equipment and supplies remain the property of the agency and the EPA remains responsible for service and maintenance of the equipment. The EPA is also under no obligation to service or maintain equipment belonging to the employee, even if used for agency work.

If an employee furnishes their own equipment or workstation at the RWL, the government will not reimburse the employee for the purchasing costs. In addition, the employee is responsible for the

maintenance, repair and replacement of privately owned equipment. The agency will not reimburse the employee for such costs, including broadband. The employee must maintain this equipment or workstation to meet the requirements of the safety checklist.

The EPA may not reimburse employees for utility costs (e.g., heating, air conditioning, lighting and the operation of government-furnished computers) associated with the RWL. Utility costs include the monthly service charges for telephone or specific telephone charges. Remote work employees should use agency meeting and conferencing tools, communication options like EC-500, or government-issued mobile phones to conduct official government business with customers and contacts in other locations. The agency will also not reimburse employees for miscellaneous office supplies. Employees requiring pens, paper, paper clips, notebooks, etc., may use the supplies provided by the agency; however, there should be no expectation of reimbursement for items purchased or for the agency to ship goods to an employee's RWL.

For employees working at a RWL outside of the LCA, the agency is responsible for service and maintenance of GFE. In cases where GFE needs repair and upgrade, the agency will make all reasonable efforts to initiate repairs and upgrades remotely. However, should on-site assistance be required, employees must either return to their regular office or worksite or make other arrangements with their supervisor to ensure repairs and upgrades can be made expeditiously. In consultation with the employee, supervisors or managers will make determinations over questions such as the employee's duty status, appropriate work assignments and potential temporary equipment during the interim period between when repairs and upgrades are required and when completed.

Note: Consistent with the agency's Records Management Policy, official agency business should first and foremost be done on official EPA information systems. The Federal Records Act prohibits the creation or sending of a federal record using a non-EPA electronic messaging account unless the individual creating or sending the record either: (1) copies their EPA email account at the time of initial creation or transmission of the record, or (2) forwards a complete copy of the record to their EPA email account within 20 days of the original creation or transmission of the record.

## **XX. INFORMATION SECURITY**

The EPA CIO issues and maintains information security directives for protecting EPA information and information systems to include when users are teleworking and accessing systems remotely. These directives outline the responsibilities of each program office, region or other organization, and users in protecting EPA systems and information. Other pertinent supporting information including security directives may be issued by users' program office, region or another organization. The employee must meet all requirements for training related to information security.

Users agree their responsibilities, described in the agency's information security directives, apply while on remote work status. Remote workers must minimize security risks to all agency information and systems.

The RWL workplace and workstation and other devices used with agency information must be configured to ensure all agency information in any format is properly protected at all times and in accordance with all agency directives.

## **XXI. RECORDS MANAGEMENT**

When working at the RWL, agency employees must continue to comply with the agency's records management policy and any other applicable policies related to using, creating, maintaining and disposing of records. Employees shall also comply with the Federal Records Act, Freedom of Information Act, the terms of any litigation hold, discovery in litigation and any requests for records by the Office of the Inspector General. Any record removed from the regular office or worksite for telework assignments remains the property of the agency and any information generated from remote work assignments is the property of the agency. Employees are responsible for maintaining the integrity of their records and for producing records on demand. All agency records must continue to be maintained in appropriate record-keeping systems while working at the RWL.

Disposal of Telework Program (including remote work) Records: EPA Records Schedule 0039, Alternate Worksite (including remote work locations) Records, authorizes the disposal of records related to requests or applications to participate in an alternate worksite program (i.e., telework and remote work). This includes agreements between the agency and an employee, records relating to the safety of the worksite, the installation and use of equipment, hardware and software, and the use of secure, classified information or data subject to the Privacy Act.

## **XXII. POLICY UPDATING PROVISION**

In accordance with the Telework Enhancement Act of 2010, this provision authorizes the assistant administrator of OMS, who has been re-delegated management authority for the agency's directives system, the ability to independently update the agency telework policy as required by other relevant federal organizations, including, but not limited to, the Office of Management and Budget, OPM, the Federal Emergency Management Agency, the National Archives and Records Administration, and GSA. The AA for OMS may also re-delegate the authority to update the policy to the director of the Office of Human Resources. This authority also may be re-delegated further as appropriate.

## **XXIII. WAIVER**

Any request to waive the requirements of this policy must be submitted in writing by the AA/RA (or designee) and approved by the OMS AA (or designee).

## **XXIV. MATERIALS SUPERSEDED**

- EPA Order 3110.32, *Telework Policy* (July 28, 2020)

## **XXV. REFERENCES**

- The Telework Enhancement Act of 2010
- Public Law 106-346, § 359: Requires that all Executive agencies establish telework policies
- Public Law 105-277, Omnibus Appropriation Act, Title IV, § 630: Requires that funds be set aside for Executive agency employees to use telework centers
- 5 USC 65: Telework
- 5 CFR 351.203: Definitions
- 5 CFR Part 530: Pay Rates and Systems (General)

- 5 CFR Part 531: Pay Under the General Schedule
- 5 CFR Part 550: Pay Administration
- 5 USC Section 5305(i): Special Pay Authority-New Official Duty Station
- 5 USC 5702: Per diem; employees traveling on official business
- EPA Order 3110.32, *Telework Policy*
- EPA Delegation 1-17 A (September 13, 2011) *Domestic Travel*.
- *Guide to Telework in the Federal Government* (April 2011), OPM
- *Governmentwide Dismissal and Closure Procedures* (November 2018), OPM
- *Requirements for Executive Branch Employees Teleworking in Foreign Locations* (June 2016), U.S. State Department
- *Additional Guidance on Post-Reentry Personnel Policies and Work Environment* (July 23, 2021), OPM

## XXVI. APPENDICES

- Remote Work Agreement
- Safety Checklist
- Annual Recertification
- Remote Work Discontinuation